

AMENDED IN SENATE JULY 16, 2003  
AMENDED IN ASSEMBLY JUNE 3, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

## Assembly Joint Resolution

No. 3

Introduced by Assembly Member Jerome Horton

January 22, 2003

Assembly Joint Resolution No. 3—Relative to student financial aid.

### LEGISLATIVE COUNSEL'S DIGEST

AJR 3, as amended, Jerome Horton. Student financial aid: Higher Education Act of 1965.

This measure would memorialize the Congress and the President of the United States to ~~amend~~ *repeal* a provision of the 1998 amendments to the federal Higher Education Act of 1965 that denies or delays access to financial aid based upon convictions for drug-related offenses ~~to exempt individuals who have been convicted of minor drug possession offenses and have successfully completed rehabilitation programs. The measure would provide that a new section should be included on the instruction page for the federal student financial aid application that explains and clarifies that issue.~~

Fiscal committee: no.

- 1 WHEREAS, A provision in the 1998 amendments to the federal
- 2 Higher Education Act of 1965 mandates that students convicted of
- 3 any drug-related offense, without regard to the nature of the
- 4 offense or the offender, be denied eligibility for financial aid for
- 5 periods ranging from one year to indefinitely; and

1 WHEREAS, Question number 35 on the Free Application for  
2 Federal Student Aid (FAFSA) for 2002 reads: “Have you ever  
3 been convicted of possessing and selling illegal drugs?”; and

4 WHEREAS, The request for this information discourages  
5 needy California students with even minor offenses from  
6 completing the required financial aid application forms; and

7 WHEREAS, The completion of a FAFSA is a requirement for  
8 consideration for financial aid from the Cal Grant program, from  
9 campus-based institutional aid programs, and from state-run loan  
10 assumption programs; and

11 WHEREAS, No other class of offender, including those  
12 convicted of rape or other violent offenses, faces a similar  
13 restriction on grant aid or student loan eligibility or faces a specific  
14 question on the financial aid application; and

15 WHEREAS, This provision will, as a result of disproportionate  
16 drug enforcement among sectors of California’s population,  
17 primarily impact communities of low to moderate economic  
18 means and minority populations with limited higher education  
19 opportunities; and

20 WHEREAS, To the extent that the federal government involves  
21 itself in higher education, it should be focused on making it easier,  
22 not more difficult, for citizens to educate themselves; and

23 WHEREAS, Higher education is an important factor in  
24 allowing people to become more productive, well-rounded  
25 citizens, and higher education opportunities in California have  
26 never been restricted on the basis of the past mistakes or legal  
27 troubles of students; now, therefore, be it

28 *Resolved by the Assembly and Senate of the State of California,*  
29 *jointly,* That the Legislature of the State of California  
30 memorializes the Congress and the President of the United States  
31 to ~~amend~~ *repeal* subsection (r) of Section 484 of the Higher  
32 Education Act of 1965 (20 U.S.C. Sec. 1091(r)), which denies or  
33 delays access to financial aid based upon convictions for  
34 ~~drug-related offenses, to exempt an individual who has been~~  
35 ~~convicted of a minor drug possession offense and has successfully~~  
36 ~~completed a rehabilitation program; and be it further~~

37 ~~Resolved, That a new section should be included on the FAFSA~~  
38 ~~Instruction Page for federal student aid that explains and clarifies~~  
39 ~~Question 35, in order to encourage those students with a minor~~

1 ~~drug-related offense who have successfully completed a~~  
2 ~~rehabilitation program to apply for financial aid; and be it further~~  
3 ~~RESOLVED~~ *drug-related offenses; and be it further*  
4 *RESOLVED*, That the Chief Clerk of the Assembly transmit  
5 copies of this resolution to the President and Vice President of the  
6 United States, the Speaker of the United States House of  
7 Representatives, and each representative and senator from  
8 California in the Congress of the United States.

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